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### NOTICE OF ALLOWANCE AND FEE(S) DUE

22442

7590

02/20/2002

SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202 EXAMINER
WARE, DEBORAH K

CLASS-SUBCLASS

ART UNIT

435-243000

DATE MAILED: 02/20/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,663	12/14/1999	WILLIAM R. BARCLAY	2997-1-3-1-4	4119

TITLE OF INVENTION: METHOD FOR REDUCING CORROSION IN A FERMENTOR

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
48	nonprovisional	NO	\$1280	\$0	\$1280	05/20/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED.</u> THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

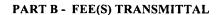
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

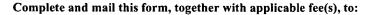
 Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.





**Box ISSUE FEE** 

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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22442 SHERIDAN R	7590 02/2	0/2002	with any corrections of		mailings of the Feets	s) Transmittal, T papers. Each ade	his certificate ditional pape	ly be used for domestic te cannot be used for any er, such as an assignment f mailing.
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APPLICATION NO.	FILING DATE	<u> </u>	<del></del>	FIRST NAMED INVENT	OR	ATTORNEY DO	CKET NO.	CONFIRMATION NO.
09/461,663	12/14/1999			WILLIAM R. BARCL	AY	2997-1-3-	1-4	4119
TOTAL CLAIMS	APPLN. TYPE	SM/	ALL ENTITY	ISSUE FEE	PUBLICATION FE	E TOTAL F	FEE(S) DUE	DATE DUE
48	nonprovisional		NO	\$1280	\$0	\$1	1280	05/20/2002
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	DEBORAH K		1651	435-243000				
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4a. The following fee(s)	are enclosed:			. Payment of Fee(s): A check in the amount o	of the fee(s) is enclose	d		
☐ Issue Fee ☐ Publication Fee				Payment by credit card.	٠,			
Advance Order - # of Copies				reby authorized by ch		I fee(s), or cr	redit any overpayment, to	
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(Authorized Signature)			(Date)					
NOTE; The Issue Fee other than the applica interest as shown by the	and Publication Fee (int; a registered attorne	f required y or agen	d) will not be ac nt; or the assign	cepted from anyone ee or other party in				

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary

depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231

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09/461,663		12/14/1999	WILLIAM R. BARCLAY	2997-1-3-1-4	4119	
22442	7590	02/20/2002		EXAMIN	ER	
SHERIDAN				WARE, DEBORAH K		
1560 BROAL SUITE 1200	JWAI			ART UNIT	PAPER NUMBER	
DENVER, C	O 80202			1651		
				DATE MAILED: 02/20/2002		

# Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The patent term extension is 0 days. Any patent to issue from the above identified application will include an indication of the 0 day extension on the front page.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)

Application No.

09/461,663

Applicant(s)

**Barclay** 

## Notice of Allowability

Examiner Art Unit Ware 1651 --The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. X This communication is responsive to Feburary 13, 2002 2. X The allowed claim(s) is/are 38-85 3. X The drawings filed on Dec 14, 1999 are acceptable as formal drawings. 4. Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). c) None of the: a) 🗌 All b) Some\* 1. 

Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). \*Certified copies not received: 5. Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 6. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED. 7. Applicant MUST submit NEW FORMAL DRAWINGS (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No. (b) including changes required by the proposed drawing correction filed , which has been approved by the examiner. (c) including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson. 8. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included. Attachment(s) 1 Notice of References Cited (PTO-892) 2 Notice of Informal Patent Application (PTO-152) 3 Notice of Draftsperson's Patent Drawing Review (PTO-948) 4 X Interview Summary (PTO-413), Paper No. 13 5 Information Disclosure Statement(s) (PTO-1449), Paper No(s). 6 X Examiner's Amendment/Comment 7 Examiner's Comment Regarding Requirement for Deposit of Biological 8 Examiner's Statement of Reasons for Allowance Material 9 Other

PRIMARY EXAMINER

Art Unit: 1651

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37
 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the title

changed the title to -- REDUCING CORROSION IN A FERMENTOR BY

PROVIDING SODIUM WITH A NON-CHLORIDE SODIUM SALT -.

In the abstract

at line 2, deleted "Disclosed is a" and inserted --A-- and after "process" inserted -is provided--,

at line 14, after "fatty acids." inserted -- Corrosion in a fermentor is reduced by obtaining microorganisms such as those of the genus *Thraustochytrium* or *Schizochytrium* from a saline environment and growing the microorganisms in the fermentor in a culture medium containing sodium ions provided by a non-chloride sodium salt such that the chloride concentration in the medium is less than about 3 grams chloride per liter.

Authorization for this examiner's amendment was given in a telephone interview with Angela Dallas on February 13, 2002.

2. The application has been amended as follows:

In the Amendment, filed February 13, 2002, pages 1-2, amendments therein are as follows:

69

7

Art Unit: 1651

at page 1, lines 3-4, deleted "on November 18, 1997",

line 5, deleted "on May 21, 1996",

at page 2, line 7, deleted "on August 23, 1994",

line 8, deleted ", issued August 23, 1994"

line 10, deleted "issued November 16, 1999,"

line 11, deleted "continuation" and inserted --division--,

line 12, deleted ",issued December 16, 1997",

line 13, deleted "5,340,594, issued" and inserted --5,656,319--

line 14, deleted "August 12, 1997",

line 15, deleted ", issued August 23, 1994",

line 17, deleted, "on July",

line 18, deleted "14, 1992",

line 19, deleted "which was previously expressly" and inserted --now--,

line 20, deleted "which was previously" and inserted --now--,

line 21, deleted "expressly".

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Ware whose telephone number is (703) 308-4245.

Deborah K. Ware

February 14, 2002

DAVID M. NAFF PRIMARY EXAMINER

*f*